

Remarks

The final Office Action mailed October 17, 2005 allowed claims 1-5 and 7, rejected claims 21-23, 25 and 29, and objected to claims 24, 26-28 and 30. The Applicant respectfully requests reconsideration of this final rejection of the claims.

Claims 21 and 25 have been amended, claim 24 has been cancelled without prejudice, and new claims 31-34 have been added.

Independent claim 21 now generally features a piezoelectric transducer, as previously set forth in cancelled claim 24. Claim 25 has been amended to better conform to amended claim 21.

New independent claim 31 generally corresponds to the subject matter of allowable claim 27, and thus has been previously considered by the Examiner. New dependent claims 32-34 generally conform to dependent claims 25, 24 and 22, respectively.

These amendments are proper, do not introduce new matter or raise new issues that require additional consideration and/or searching, and serve to place the application in proper condition for allowance. Entry of these amendments is accordingly solicited.

Rejection of Claims Under 35 U.S.C. §102(a)

Claims 21-23, 25 and 29 were finally rejected as being anticipated by U.S. Published Patent Application No. 2003/017838 published September 18, 2003 to Koh ("Koh '838"). This rejection is respectfully traversed.

The Applicant agrees with the Examiner that Koh '838 at least fails to disclose "a piezoelectric transducer which produces an analog signal in response to mechanical vibration of said transducer induced by a member rotated at an instantaneous speed less

than an operational speed of said member,” as featured by amended independent claim 21.

Claim 21 is therefore believed to define subject matter that is patentable over Koh ‘838, as well as the remaining art of record. Reconsideration and withdrawal of the rejection of claims 21-23, 25 and 29 are accordingly solicited on this basis.

Allowable Subject Matter

The Applicant gratefully acknowledges the allowance of claims 1-5, 7 and the indication of allowability of claims 24, 26-28 and 30. The Applicant appreciates the detailed statement of reasons for allowance/allowability for these claims, but respectfully traverses the same on the basis that it is the Applicant’s position that each of the claims, in their entirety, define patentable subject matter without regard to emphasis upon any particular feature or point of novelty therein. Thus, these statements by the Examiner should have no prejudicial or otherwise limiting effect upon the scope of the claims in any subsequent proceedings.

Newly Added Claims 31-34

Pursuant to 37 CFR 1.111, new claims 31-34 are believed to also define patentable subject matter over the art of record, including Koh ‘838. As mentioned previously, new claim 31 generally corresponds to allowable claim 27 and includes “a processor which translates the digital signal to a frequency domain digital signal and determines the magnitude and phase of the frequency domain digital signal at a frequency associated with the instantaneous speed of the rotating member.” This is not believed to be taught or suggested by Koh ‘838 or the other art of record.

Newly added dependent claims 32-34 are believed to be patentable on the basis that these claims depend from a patentable base claim.

Conclusion

The Applicant respectfully requests reconsideration and allowance of all of the claims pending in the application. This Response is intended to be a complete response to the final Office Action mailed October 17, 2005.

Should any questions arise concerning this response, the Examiner is invited to contact the below signed Attorney.

Respectfully submitted,

By: 

Randall K. McCarthy, Registration No. 39,297
Mitchell K. McCarthy, Registration No. 38,794
Fellers, Snider, Blankenship, Bailey and Tippens, P.C.
100 N. Broadway, Suite 1700
Oklahoma City, Oklahoma 73102
Telephone: (405) 232-0621
Facsimile: (405) 232-9659
Customer No. 33900